

IC 33-24-12

Chapter 12. Civil Legal Aid Fund

IC 33-24-12-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to the civil legal aid fund established by section 5 of this chapter.

As added by P.L.98-2004, SEC.3.

IC 33-24-12-2

"Indigent"

Sec. 2. As used in this chapter, "indigent" means an individual whose income is not more than one hundred twenty-five percent (125%) of the federal income poverty level as determined annually by the federal Office of Management and Budget under 42 U.S.C. 9902.

As added by P.L.98-2004, SEC.3.

IC 33-24-12-3

"Legal services provider"

Sec. 3. As used in this chapter, "legal services provider" means a private, nonprofit organization incorporated and operated exclusively in Indiana, the primary function and purpose of which is to provide civil legal services without charge to the indigent.

As added by P.L.98-2004, SEC.3.

IC 33-24-12-4

Eligibility requirements for receipt of funds

Sec. 4. To be eligible for the receipt of funds under this chapter, a legal services provider must meet the following requirements:

- (1) The legal services provider must have been:
 - (A) incorporated before July 2, 1997; or
 - (B) incorporated and providing civil legal aid to the indigent for three (3) years immediately preceding the application for funds from the civil legal aid fund.
- (2) The legal services provider must submit an opt-in form to the executive director of the division of state court administration before May 2 of each year. The form must include the following information:
 - (A) The name, address, and telephone number of the legal services provider.
 - (B) The Internal Revenue Code 501(c)(3) form of the legal services provider.
 - (C) The name and address of the executive director and board president of the legal services provider.
 - (D) A list of all counties within the incorporated service area of the legal services provider.
 - (E) Certification that the legal services provider has provided legal services to indigent individuals within its service area for the preceding three (3) years and that the

legal services provider will continue to provide legal services to the indigent for the year following receipt of funds from the civil legal aid fund.

- (3) The legal services provider may not do any of the following:
- (A) Make available funds, personnel, or equipment for use in advocating or opposing a plan or proposal, represent a party, or participate in litigation that is intended to or has the effect of altering, revising, or reapportioning a legislative, a judicial, or an elective district at any level of government, including influencing the timing or manner of the taking of a census.
 - (B) Attempt to influence the issuance, amendment, or revocation of an executive order, regulation, or other statement of general applicability and future effect by a federal, state, or local agency.
 - (C) Attempt to influence an adjudicatory proceeding of a federal, state, or local agency if such part of the proceeding is designed for the formulation or modification of an agency policy of general applicability and future effect.
 - (D) Attempt to influence the passage or defeat of legislation, a constitutional amendment, a referendum, an initiative, or similar procedure of the Congress, a state, or a local legislative body.
 - (E) Attempt to influence the conduct of oversight proceedings of the Legal Services Corporation or a person or an entity receiving financial assistance provided by the Legal Services Corporation.
 - (F) Pay for a personal service, an advertisement, a telegram, a telephone communication, a letter, printed or written matter, an administrative expense, or a related expense, associated with an activity prohibited in this subdivision.
 - (G) Initiate or participate in a class action suit.
 - (H) Support or conduct a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or an antilabor activity, a boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity. However, this clause may not be construed to prohibit the training of an attorney or a paralegal in the provision of:
 - (i) adequate legal assistance to eligible clients; or
 - (ii) advice to an eligible client as to the legal rights of the client.
 - (I) Participate in litigation:
 - (i) on behalf of a person incarcerated in a federal, state, or local prison; or
 - (ii) arising out of the incarceration of a person described in item (i).

As added by P.L.98-2004, SEC.3.

Establishment of civil legal aid fund; administration

Sec. 5. (a) The civil legal aid fund is established to provide additional revenue for legal services providers.

(b) The fund is administered by the division of state court administration.

As added by P.L.98-2004, SEC.3.

IC 33-24-12-6**Formula for fund distribution**

Sec. 6. (a) The division of state court administration shall annually determine the amount to be distributed from the fund to each county's legal services provider under the following formula:

STEP ONE: Determine the number of civil cases filed in the county during the year as reported by the most recent Indiana Judicial Report.

STEP TWO: Determine the number of civil cases filed in Indiana during the year as reported by the most recent Indiana Judicial Report.

STEP THREE: Divide the amount determined in STEP ONE by the amount determined in STEP TWO.

STEP FOUR: Multiply the quotient determined in STEP THREE by the annual amount appropriated under section 7 of this chapter or by the annual amount of the appropriation from the state general fund as provided in the state budget act, whichever is greater.

Except as provided in subsection (b), the product determined in STEP FOUR is the amount to be distributed to the legal services provider or providers having the county in its service area.

(b) In a county where there is more than one (1) legal services provider, the amount distributed from the fund for that county shall be distributed among the legal services providers in direct proportion to the number of legal services providers in that county.

(c) Distributions from the fund shall be made on January 1 and July 1 of each year. Money in the fund is annually appropriated to carry out the purposes of the fund.

As added by P.L.98-2004, SEC.3.

IC 33-24-12-7**Appropriation from general fund**

Sec. 7. There is appropriated on June 30 and December 31 of each year five hundred thousand dollars (\$500,000) from the state general fund for deposit into the fund.

As added by P.L.98-2004, SEC.3.